

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**NOVEN PHARMACEUTICALS, INC.**  
**Plaintiff/Counterclaim Defendant**

**v.**

Civil Action No. 2:11-cv-05997 (DMC) (MF)

**WATSON LABORATORIES, INC.**  
**Defendant/Counterclaim Plaintiff**

and

WATSON PHARMACEUTICALS, INC.  
Defendant.

**DECLARATION OF JESSELYN C. PE IN SUPPORT OF  
NOVEN'S OPENING CLAIM CONSTRUCTION BRIEF**

**I, Jesselyn C. Pe, hereby declare as follows:**

1. I am an attorney with the law firm of Sidley Austin, LLP, licensed in the State of New York, and represent Plaintiff Noven Pharmaceuticals, Inc. ("Noven") in connection with this action. I make this Declaration based on my personal knowledge and in support of Noven's Opening Claim Construction Brief.

2. Attached hereto as Exhibit 1 is a true and correct copy of U.S. Patent No. 6,210,705.

3. Attached hereto as Exhibit 2 is a true and correct copy of U.S. Patent No. 6,348,211.

4. Attached hereto as Exhibit 3 is a true and correct copy of an email from a parent of a patient to Marilisa Chin, Noven Pharmaceuticals, dated June 13, 2002, bearing Bates Nos. NOVDAY0213505-506. Exhibit 3 is being filed under seal.

5. Attached hereto as Exhibit 4 are true and correct copies of letters, dated May 4, 2001, November 17 and 20, 2000, addressed to Marilisa Chin, Noven Pharmaceuticals, bearing Bates Nos. NOVDAY0213518-521. Exhibit 4 is being filed under seal.

6. Attached hereto as Exhibit 5 is a true and correct copy of a document bearing Bates No. WATSON-DAY0043614, for a Generic Methylphenidate Team Meeting Minutes. Exhibit 5 is being filed under seal.

7. Attached hereto as Exhibit 6 is a true and correct copy of a document bearing Bates Nos. WATSON-DAY0057759-57806, excerpts from *Dermatological Formulations: Percutaneous Absorption*, 49-94 (1983) authored by Brian W. Barry.

8. Attached hereto as Exhibit 7 is a true and correct copy of a document bearing Bates Nos. WATSON-DAY0019349-0019383, excerpts from *Skin Permeation: Fundamentals and Application* by Gary W. Cleary, 207-237 (1993), edited by Joel L. Zatz, Ph.D.

9. Attached hereto as Exhibit 8 are true and correct copies of emails between Laura Lydigsen and Jesselyn C. Pe, dated July 16-18, 2012. Exhibit 8 is being filed under seal.

10. Attached hereto as Exhibit 9 is a true and correct copy of a document bearing Bates Nos. WATSON-DAY0059499-509, excerpts from the file history of U.S. Pat. App. 12/981,154, Aug. 17, 2011 Amendment and Reply Under 37 CFR 1.111.

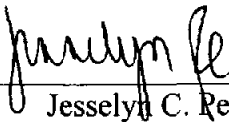
11. Attached hereto as Exhibit 10 is a true and correct copy of a document bearing Bates Nos. WATSON-DAY 0058699-710, excerpts from the file history of U.S. Pat. App. 10/024,513, Sept. 25, 2003 Amendment and Reply Under 37 CFR § 1.111.

12. Attached hereto as Exhibit 11 is a true and correct copy of a document bearing Bates Nos. WATSON-DAY0058718-23, excerpts from the file history of U.S. Pat. App. 10/024,513, Dec. 15, 2003 Office Action.

13. Attached hereto as Exhibit 12 is a true and correct copy of a document bearing Bates Nos. WATSON-DAY0032572-73, showing emails dated Oct. 4 and 10, 2006. Exhibit 12 is being filed under seal.

I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.

Dated: July 20, 2012

  
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Jesselyn C. Re